

AMENDED IN ASSEMBLY AUGUST 18, 2003

AMENDED IN ASSEMBLY JULY 3, 2003

AMENDED IN SENATE JUNE 4, 2003

AMENDED IN SENATE MAY 14, 2003

AMENDED IN SENATE APRIL 21, 2003

AMENDED IN SENATE APRIL 7, 2003

SENATE BILL

No. 892

Introduced by Senator Murray

(Coauthors: Senators Kuehl, Romero, Soto, and Vincent)

(Coauthors: Assembly Members Diaz, Koretz, Lieber, Longville, and Yee)

February 21, 2003

An act to add Section 35292.5 to the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 892, as amended, Murray. ~~Public school~~ School restrooms.

Existing law *exempts public and private schools from provisions relating to the sufficiency of public facility restrooms, and provides for the maintenance and repair of public school facilities by school districts.*

This bill would, *with certain exceptions*, require every *public and private* school ~~in a school district, as a condition of receipt of state apportionments from the State School Fund,~~ to have restroom facilities that are open as prescribed during school hours, and at all times *to keep every restroom maintained and cleaned regularly, fully operational, and*

stocked with soap and paper supplies. ~~To the extent that this bill imposes additional duties on school districts, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

This bill would make a school district ineligible for prescribed state school facilities funding if a public school it operates is in violation of this bill.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35292.5 is added to the Education Code,
2 to read:

3 ~~35292.5.—Notwithstanding paragraph (3) of subdivision (f) of~~
4 ~~Section 118505 of the Health and Safety Code, as a condition of~~
5 ~~the receipt of apportionments from the State School Fund, every~~
6 ~~school shall comply with all of the following:~~

7 ~~(a)—~~

8 35292.5. (a) Every public and private school maintaining
9 any combination of classes from kindergarten to grade 12,
10 inclusive, shall comply with all of the following:

11 (1) Every restroom shall at all times be maintained and cleaned
12 regularly, fully operational and stocked at all times with toilet
13 paper, soap, and paper towels or functional hand dryers.

14 ~~(b)~~

15 (2) The school shall keep all restrooms open during school
16 hours when pupils are not in classes, and shall keep a sufficient
17 number of restrooms open during school hours when pupils are in
18 classes.

19 (b) Notwithstanding subdivision (a), a school may temporarily
20 close any restroom as necessary for pupil safety or as necessary to
21 repair the facility.

(c) Any school district that operates a public school that is in violation of this section as determined by the State Allocation Board is ineligible for state school facilities funding under the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).

SEC. 2. It is the intent of the Legislature that a school employee who performs maintenance or repair functions related to restroom facilities that are subject to Section 35292.5 of the Education Code not be subject to discipline if the employee performs his or her responsibilities as required by his or her employer.

CORRECTIONS

Title — Line 2.